

67010-021

REMARKS

Claims 1, 3-12, 14-17, 19-21, and 23-25 are currently pending in this application. Claims 13, 18 and 22 have been cancelled, and claims 1, 9, 12, 14, 15 and 17 have been amended. Applicant has amended these claims to place allowable subject matter in proper independent form.

Claims 9,15, and 22 are rejected under 35 U.S.C. 103(a) over Birbara et al. in view of Brosc et al. (US 4,822,383). Further claim 14 was rejected under 35 U.S.C. 103(a) Birbara et al. in view of Simonet et al. (US 3,738,084). As noted by the Examiner Birbara et al. is prior art under 35 U.S.C. 102(e). As such Birbara et al. is disqualified as prior art under 35 U.S.C. 103 because the application and the granted patent to Birbara et al. were owned by the same entity at the time of the invention. (MPEP §706.02(1)(1)). Applicant has included a separate statement as required to establish common ownership. Accordingly the rejection of claims 9,14,15 and 22 is overcome and should be withdrawn.

Claims 1,3-8,10,11,16 and 17-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Birbara et al. (U.S. Patent No. 6,364,938). The latest office action indicated that Applicants amendments to the claims have overcome the 102(b) rejections over Brose et al., Simonet et al., and Yearout. Further, no new rejections were applied to claims 12 and 13. Accordingly, claims 12 and 13 are allowable as indicated by the Examiner. Claim 1 has been amended to include the limitation of claim 13 that the gas stream is produced from burning fossil fuel. Further, claim 12 has been amended into independent form. Applicant respectfully requests entering of these amendments as they merely place matter identified as allowable in independent form.

Further, now allowable claims 9, 15 and 14 have been amended to independent form. Claim 17 has been amended to include the limitations of now allowable claim 22 and any intervening claims. Applicant has amended several dependent claims to amend dependencies. As noted above these amendments merely place matter now allowable in proper form for allowance. Applicant respectfully requests entering of these amendments.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited. No additional fees are seen to be required. If any additional fees are due,

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however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.

John M. Siragusa

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Dated: October 28, 2003

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Art Unit 1724, After Final, 703-872-9311 on October 28, 2003.

Amy M. Spaulding

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67010-021
H2619-SS**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Nalette, et al.
Serial No.: 10/050,419
Filed: January 16, 2002
Group Art Unit: 1724
Examiner: Smith, Duane
Title: CARBON DIOXIDE SCRUBBER FOR FUEL
AND GAS EMISSIONS

STATEMENT OF COMMON OWNERSHIP

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully submits that the above described Application and the U.S. Patent No.: 6,364,938 to Birbara et al., at the time the invention described in this Application was made, were both owned by Hamilton Sundstrand.

Applicant submits that U.S. Patent No.: 6,364,938 is disqualified as prior art in a rejection under 35 U.S.C. 103 against the claims of the above described application.

Respectfully submitted,

CARLSON, GASKEY & OLDS

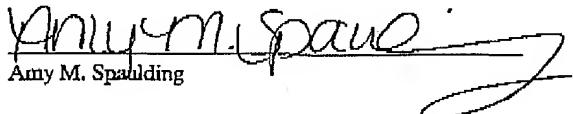
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Amy M. Spaulding